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**IN THE
COURT OF APPEALS OF INDIANA**

GREGORY SCOTT HUNT,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 79A02-0611-CR-1002

APPEAL FROM THE TIPPECANOE SUPERIOR COURT
The Honorable Thomas H. Busch, Judge
Cause No. 79D02-0505-FB-29

June 20, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Gregory Scott Hunt pled guilty to criminal confinement,¹ as a Class D felony; intimidation,² as a Class C felony; criminal recklessness,³ as a Class D felony; domestic battery,⁴ as a Class A misdemeanor; and neglect of a dependant,⁵ as a Class D felony. He appeals his sentence contending that his concurrent sentence of six years is inappropriate.

We affirm.

FACTS AND PROCEDURAL HISTORY

On May 21, 2005, Hunt, Rachel Jones, and their children were living together. During an altercation between Hunt and Jones, Hunt threatened Jones with a kitchen knife, hit her in the head and side, pushed her towards a couch, and threatened to hurt their two-year-old daughter, who was present and screaming, by cutting her or choking her. Hunt admitted that he was very intoxicated and heavily medicated. Hunt and the State entered into a plea agreement with an open sentencing provision. The trial court found Hunt's lengthy criminal history to be an aggravator which outweighed the mitigators of his history of mental illness and his supportive family. The court declined to find that Hunt's intoxication at the time of the incident was either a mitigator or an aggravator. The court sentenced Hunt to one and a half years for criminal confinement, six years for intimidation, one and a half years for criminal recklessness, six months for domestic battery, and one and a half years for neglect of a dependant, all sentences to run concurrent to each other.

DISCUSSION AND DECISION

¹ See Ind. Code § 35-42-3-3.

² See Ind. Code § 35-42-2-1.

³ See Ind. Code § 35-42-2-2.

⁴ See Ind. Code § 35-42-2-1.3.

⁵ See Ind. Code § 35-46-2-1.

Hunt challenges the appropriateness of his six-year sentence contending that the trial court improperly weighed the aggravators and mitigators. Our Supreme Court has stated that the current advisory sentencing statute,⁶ which was in effect at the time of Hunt's crimes, "is the starting point the Legislature has selected as an appropriate sentence for the crime committed." *Childress v. State*, 848 N.E.2d 1073, 1081 (Ind. 2006). A person who commits a Class C felony "shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years." Ind. Code § 35-50-2-6. Trial courts may impose any sentence that is authorized by statute and permissible under the Indiana Constitution "regardless of the presence or absence of aggravating circumstances or mitigating circumstances." Ind. Code § 35-38-1-7.1(d). We "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, this Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender." Ind. App. Rule 7(B). We, therefore, review Hunt's sentence to determine if it is appropriate in light of the nature of the offense and his character.

First, we look at the nature of the offenses. Hunt's crimes involved more than one victim: not only did Hunt threaten and strike in the side a woman who was pregnant with his child, he threatened to injure or kill his two-year-old daughter. Hunt admitted abuse of alcohol -- "a 12-pack 3-4 times a week." *Appellant's App.* at 50.

Next, we review the character of the offender. Hunt has an extensive criminal history which includes past felony convictions for theft, possession of a controlled substance, and

⁶ See Ind. Code § 35-38-1-7.1 (effective April 25, 2005).

possession of cocaine, as well as misdemeanor convictions for child molesting, battery, furnishing alcohol to a minor, failure to prove financial responsibility, criminal mischief, trespass, and reckless possession of paraphernalia. Hunt has previously had his probation revoked and was on probation at the time of the instant crimes. He also testified that he had been attending programs at Home With Hope to deal with his substance abuse but had returned to abusing alcohol after he left there.

Hunt's criminal history alone is sufficient to support the enhanced sentence. *See Bryant v. State*, 841 N.E.2d 1154, 1156 (Ind. 2006). In addition, the State reduced Hunt's charged confinement crime from a Class B felony to a Class D felony, thereby offsetting any benefit to the State by his guilty plea. *See Francis v. State*, 817 N.E.2d 235, 237 n.3 (Ind. 2004). Furthermore, the court ordered all the sentences to run concurrent to each other. In sum, Hunt has failed to show that his six-year sentence is inappropriate in light of the nature of the offense and his character.

Affirmed.

DARDEN, J., and FRIEDLANDER, J., concur.